

IDENTIFICATION OF SUSPECTS

Instructor Guide

ADDITIONAL INSTRUCTOR NOTES

COURSE TITLE:	IDENTIFICATION OF SUSPECTS
INSTRUCTIONAL GOALS:	This course is designed to give the student an overview of the knowledge and skills required to effectively conduct crime scene management and patrol related investigations
INSTRUCTIONAL OBJECTIVES:	Upon completion of this block of instruction the participant will be able to: Identify methods of arriving at an identification of a suspect.
INSTRUCTIONAL METHODS:	Class lecture with class participation, overheads, and handouts
HANDOUTS:	Identification of Suspects Student Guide
COURSE DURATION:	1 Hour
CURRICULUM REFERENCES:	The Field Guide to Law Enforcement; Pennsylvania State Police lesson plans
SAFETY CONSIDERATION:	None
EQUIPMENT, PERSONNEL, AND SUPPLIES NEEDED:	Computer, audio/visual aid, i.e.: projector and student handouts
TARGET AUDIENCE:	Basic Police Officer Cadets/Recruits
COURSE PREREQUISITES:	None
INSTRUCTOR CERT.:	General Police
INSTRUCTOR RATIO:	None, course is designed as an overview
EVALUATION STRATEGY:	New Mexico Law Enforcement Officer Certification Exam
AUTHOR & ORIGINATION DATE:	
REVISION / REVIEW DATE(S):	Jan 2014
REVISED / REVIEWED BY:	NMLEA INSTR Jam 2014

COURSE OUTLINE: IDENTIFICATION OF SUSPECTS

Instructional Goals

1. This course is designed to give the student an overview of the knowledge and skills required to effectively conduct crime scene management and patrol related investigations

Instructional Objectives

1. Identify methods of arriving at an identification of a suspect.

I. Introduction

A. Identification

B. The basic requirement of any identification procedure

C. If it is unavoidable that a suspect be singled out for a witness

D. Before making an identification by a lineup or otherwise

II. Eyewitness identification problems

A. Frequently prove to be unreliable and erroneous identifications often result.

B. Misidentifications normally result from a combination of factors:

C. Evidence regarding identifications will be suppressed by the courts if the identification procedure was excessively suggestive.

D. Courts usually put more weight on physical evidence versus testimonial evidence. Physical evidence does not lie.

III. People from whom information is sought.

A. Types

B. Basic Qualifications of a Good witness

C. Witness' traits which may affect information received.

D. Conditions which affect accuracy, truthfulness and completeness of information.

E. Forces which may encourage cooperation

F. Forces which may affect information received.

G. Age and Sex can affect information received

1. Children

2. Young persons

3. Middle- aged persons

4. Older Persons

5. Males

6. Females

IV. Obtaining Physical Descriptions

A. An accurate description from an eyewitness is a prime factor in successful case clearance.

B. The description should be obtained as rapidly as possible while still preserving its accuracy and detail.

C. Description should help eliminate individuals.

D. Elements of physical descriptions

1. Race
2. Sex
3. Age
4. Height
5. Weight
6. Build
7. Hair
8. Eyes
9. Complexion
10. Scars and marks
11. Facial hair
12. Clothing
13. Miscellaneous features

E. Description form

- V. Identification Procedures
 - A. On Scene Identification
 - B. Pre-Arrest Identification
 - C. Review of photo files or photo arrays
 - D. Photo Line-ups
 - E. Formal line-ups
- VI. Improving the Accuracy of Physical Descriptions
 - A. Most are not skilled observers, trained in the act of providing a speaking portrait of a suspect.
 - B. This fact, plus the emotional reaction to a criminal act, explains why many witnesses' descriptions are vague and uncertain.
 - C. In such situations, however, certain techniques can be used to enhance the accuracy of the description.
 - 1. Comparison and analogy
 - 2. Graphic representations

ADDITIONAL INSTRUCTOR NOTES



COURSE CONTENT:

IDENTIFICATION OF SUSPECTS

Instructor Notes:

- Introduce Course
- Introduce Self
- Go over classroom and housekeeping rules
- Go over Course Goal and Objectives
- Distribute Student Guide

Introduction

- Identification includes any procedure by which a witness identifies someone as the person whom the witness observed committing a crime or as a person otherwise wanted (and/or involved) in connection with a crime. The most common form of identification is visual, by an eye witness. There may also be identification by voice or, in special circumstances, by smell or touch.

- **Introduction**
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IDENTIFICATION OF SUSPECTS

- The basic requirement of any identification procedure is that the witnesses rely entirely on his or her own observations and not be led to identify a particular person by deliberate or accidental police conduct. A witness should not be pressured to make an identification of which he or she is unsure. (US v. Wade)

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IDENTIFICATION OF SUSPECTS

- If it is unavoidable that a suspect be singled out for a witness, the officer should emphasize that the identification is uncertain and the witness should not verify the suspicion of the police unless it accords with the witness's own independent judgment. (Stovall v. Denno)

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ADDITIONAL INSTRUCTOR NOTES

IDENTIFICATION OF SUSPECTS

- Before making an identification by a lineup or otherwise, a witness should be asked to describe the person whom the witness saw. The description should be recorded and preserved.
- **Eyewitness identification problems**
- Frequently prove to be unreliable and erroneous identifications often result.

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IDENTIFICATION OF SUSPECTS

- Misidentifications normally result from a combination of factors:
- Individual's perceptions tend to be inaccurate, especially when they are under stress.
- Individuals are extremely susceptible to suggestions. Probably accounts for more miscarriages of justice than any other single factor.

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IDENTIFICATION OF SUSPECTS

- Suggestive words or conduct used by officers obtaining the description information.
- Evidence regarding identifications will be suppressed by the courts if the identification procedure was excessively suggestive.
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IDENTIFICATION OF SUSPECTS

- **People from whom information is sought.**
- Types
- Complainants
- Victims
- Witnesses
- Suspects
- Miscellaneous

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ADDITIONAL INSTRUCTOR NOTES

IDENTIFICATION OF SUSPECTS

- • Informants
- • Business personnel
- • Government personnel
- • Any other that may be appropriate.

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IDENTIFICATION OF SUSPECTS

➤ **Basic Qualifications of a Good witness**

- Was present at the event
- Was conscious of the event
- Was attentive during event
- Witness' traits which may affect information received.
- Normal and cooperative

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IDENTIFICATION OF SUSPECTS

- Extremely helpful, to point of exaggeration
- Wordy type – hard to pin down
- Closed mouth
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IDENTIFICATION OF SUSPECTS

- • Deceitful
- • Privileged
- • Timid

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- Privileged
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[illegible]

IDENTIFICATION OF SUSPECTS

- **Conditions which affect accuracy, truthfulness and completeness of information.**
- Organic incapacity
- Emotional incapacity
- Mental condition
- Education attainment
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IDENTIFICATION OF SUSPECTS

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- Forces which may encourage cooperation
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IDENTIFICATION OF SUSPECTS

- Fear of consequences if they do not cooperate
- Desire for preferential treatment
- Chance to release guilt feelings
- Strong feeling of patriotism or religious need
- Revenge
- Money
- Forces which may affect information received.
- May be involved

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IDENTIFICATION OF SUSPECTS

- **Although not involved, may have a quiet feeling because of the nature of investigation or past personal actions or behavior.**
- • Fear of police
- • Hatred of police
- • Fear of reprisal from subjects
- • Desire to protect
- • Fear of involvement
- • Strangeness of situation

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ADDITIONAL INSTRUCTOR NOTES

IDENTIFICATION OF SUSPECTS

- Embarrassment
- Faulty memory
- Emotions

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IDENTIFICATION OF SUSPECTS

- **Age and Sex can affect information received**
- Children, not little adults – interview at their level
- Often lack a comprehension of size, time and distance
- Usually very truthful
- Highly imaginative and highly suggestive
- Often recall more minute facts and details than do adults who allow emotions to frequently blind them.

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IDENTIFICATION OF SUSPECTS

- **Young persons**
- Usually living too intensely to notice other persons except people of own age group.
- Inclined to be truthful but information they have is not strengthened by any great powers of observation.
- Middle- aged persons
- Keenly aware of fellow beings
- Has mature judgment
- Usually senses are not impaired

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IDENTIFICATION OF SUSPECTS

- **Older Persons**
- Physical impairment can affect powers of observation
- Tendency to regress into self-preoccupation, may affect value as witness
- Physically alert and intelligent older person can add maturity of judgment to leisure of observation.

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IDENTIFICATION OF SUSPECTS

- Males
- ruled more by common sense, logic and reason
- more apt to confess to a crime
- Females
- ruled more by intuition and emotions
- less likely to confess to commission of a crime
- more apt to discuss intimate matters with a man than with another woman.

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IDENTIFICATION OF SUSPECTS

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IDENTIFICATION OF SUSPECTS

- It is normally unrealistic to expect a sufficiently detailed description of an offender to permit instant and specific identification of the person.
- The investigator should attempt to acquire from the witness a set of physical characteristics, which can be used to eliminate most persons as suspects.
- As suspects are eliminated, a witness can then confirm or deny a particular person's involvement through the use of photographs or line-ups.

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IDENTIFICATION OF SUSPECTS

- **Elements of physical descriptions**
- Number of offenders and physical description for each offender.
- Race
- Racial identification is normally not difficult unless the culprit's head is hooded or the crime scene is dark.
- This description is generally best confined to White, Black, Latin, Oriental or Indian to avoid confusion.

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ADDITIONAL INSTRUCTOR NOTES

IDENTIFICATION OF SUSPECTS

- Variation in skin tone can be noted under “complexion”
- Sex
- Traditionally, most offenders are males.
- Physical size is generally the key to determining sex except in cases of sexual assault (where the sex of the offender is automatically determinable).

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IDENTIFICATION OF SUSPECTS

- **Age**
- The witness should estimate the age of the culprit within a five-year range (e.g. 25-30).
- Estimates of age may present difficulties when the witness and the offender are of different racial groups; the accuracy of identification diminishes under such circumstances. Also, ages can be deceiving.

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IDENTIFICATION OF SUSPECTS

- **Height**
- Since most persons are not skilled judges of height, this factor is best taken in a range, depending on sex.
- **Weight**
- Weight estimates present the same difficulties as height determination.
- Generally, height and weight are proportional (i.e., a tall fat man will weigh more than a short fat man). Here again, estimating weight within a range (e.g., 160-170 lbs.) is more likely to avoid confusion.

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IDENTIFICATION OF SUSPECTS

- **Build**
 - Noting whether a person's build is slender, medium, heavy, or obese serves as a check on the witness' evaluation of height and weight.
 - A careful investigator will have the witness resolve any discrepancies in this area.
- **Hair**
 - Hair color, length, style, and hairline are helpful description, which a witness normally can recall.

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IDENTIFICATION OF SUSPECTS

- **Eyes**
 - eye color is less readily recalled, due to lack of conscious observation by the witness.
 - "light" or "dark" may be the best descriptions possible in most circumstances.
- **Complexion**
 - Skin tones – i.e., tanned, fair, ruddy, dark or freckled – helps to narrow the set of suspects
 - The witness should also be encouraged to recall pox marks, acne or other skin disorders.

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IDENTIFICATION OF SUSPECTS

- **Scars and marks**
 - The shape and location of scars, marks and tattoos are particularly helpful in identifying a suspect, since such abnormalities are generally permanent and unique.
- **Facial hair**
 - The presence of a moustache or beard, and their color and shape, should be recorded.
- **Clothing**
 - A description of clothing worn by the suspect is normally useful only for a short time after the event, since as time passes the probability of the culprit wearing the same clothing decreases.

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ADDITIONAL INSTRUCTOR NOTES

IDENTIFICATION OF SUSPECTS

- Unfortunately, this is the feature which witnesses tend to recall most easily.
- Clothing description, including color and style, should proceed systematically from head to foot.

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IDENTIFICATION OF SUSPECTS

- **Miscellaneous features**
- Other physical traits should be recorded such as:
- disguises
- jewelry
- voice accent
- eyeglasses
- Each physical factor helps to narrow the set of possible suspects.

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- **Other physical traits should be recorded such as:**
- disguises
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- voice accent
- missing digits or
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IDENTIFICATION OF SUSPECTS

- **Description form**
- To make certain that all basic physical characteristics are inquired about and recorded, it is helpful to use an interview form during the questioning of witnesses.
- An example of such interview guides can be obtained from either texts, or a crime prevention resource.
- Identification Procedures
- Stand-ups or show ups

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IDENTIFICATION OF SUSPECTS

- Avoid use wherever possible
- Exigent circumstances may justify use in field
- Shortly after commission of crime
- Reasonable proximity to crime scene

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IDENTIFICATION OF SUSPECTS

- **On Scene Identification**
- An officer who is responding to the scene of a crime and has a basis for an investigative detention may detain a person briefly, in order to allow an eyewitness to see the detainee for identification.
- The witness should be brought to the place where the person is detained. If the witness is injured or it is impractical to bring the witness to the place of detention, the detainee may be brought to the witness at the scene of the crime.

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IDENTIFICATION OF SUSPECTS

- A detainee ordinarily should not be brought to a place other than the scene of the crime (e.g. a hospital or the witness's home) unless the detainee is placed under arrest. Movement of the detainee is permitted if delay might mean that the witness's identification would be lost: for example, if the witness is seriously injured and may die.)

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IDENTIFICATION OF SUSPECTS

- **Pre-Arrest Identification**
- If a witness believes that he or she can identify the person who committed a crime but the police do not have probable cause for an arrest, an officer may arrange for the witness to see a suspect in a public place.
- The witness should be told to observe people in the area and make identification if he or she can. The officer should not point out the suspect to the witness.

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ADDITIONAL INSTRUCTOR NOTES

IDENTIFICATION OF SUSPECTS

- Before being taken to make identification, the witness should give a full description of the person whom the witness saw. The description should be recorded and preserved.

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IDENTIFICATION OF SUSPECTS

- **Review of photo files or photo arrays**
- In some cases it may be worthwhile for the witness to view identification photographs (mug shots) of known offenders in an effort to spot the culprit or to spot characteristics similar to those of the offender. The photographs shown to the witness should be selected on the basis of physical description and method of operation.
- Many investigative agencies maintain books on known sex offenders, check forgers, confidence men and other offenders.

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IDENTIFICATION OF SUSPECTS

- Since crime often involves young persons, local high school yearbooks may also be good reference point for photographs of youthful offenders.
- Photographic arrays should be constructed to avoid subsequent charges of unfairness of undue suggestion by the investigator.
- Photo Line-ups
- Minimum number of photos...five (5)
- Photos should be of persons of similar appearance

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IDENTIFICATION OF SUSPECTS

- Photos must give no indication of involvement with the criminal justice system
- Photo's should be numbered
- Record time, date and location of showing as well as the witness (es)' response to each photo.
- If line-up is to be shown to more than one person, show individually
- Retain photos for court. Log into evidence.

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IDENTIFICATION OF SUSPECTS

- **When used**
- Investigator does not wish to alert individual to the fact that he is a suspect
- Suspect s unable or extremely unwilling to participate in a formal line-up.
- The presence of the defendant's attorney is NOT required when a witness views a photo spread, whether or not formal proceedings have begun. (*Simmons v. US*)

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IDENTIFICATION OF SUSPECTS

- **Formal line-ups**
- A lineup (or show-up) is a planned procedure in which a witness views a number of people including the suspect and is asked whether he or she can identify one of them as the person he or she saw commit the crime.
- A person who has been arrested and is lawfully in custody may be required to participate in a lineup. (*US v. Wade*)

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IDENTIFICATION OF SUSPECTS

- A person who is not in custody may be required to participate in a lineup by court order. (*US v. Dionisio*)
- Force should not be used to compel an unwilling person to participate in a line up.
- May be forced by court order to alter appearance to coincide with appearance at crime.
- Must be advised of right to counsel – may waive—must be provided if requested.

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- Must be advised of right to counsel – may waive—must be provided if requested.

IDENTIFICATION OF SUSPECTS

> Counsel

- > Must be advised of time and place of line-up
- > May be present and may direct suspect's placement in line-up
- > Does not have to be present when witness (es) is interviewed afterward and if allowed to be present, they may not participate in the interview of witnesses.

- **Counsel**
- Must be advised of time and place of line-up
- May be present and may direct suspect's placement in line-up
- Does not have to be present when witness (es) is interviewed afterward and if allowed to be present, they may not participate in the interview of witnesses.

IDENTIFICATION OF SUSPECTS

- > If a lineup is conducted before the beginning of formal proceedings against the suspect, the presence of defense counsel is NOT required and the suspect's attorney does not have to be notified (*Kirby v. Illinois*)
- > If the attorney is present or is readily available, it is advisable to notify the attorney and allow him to attend (this will increase the likelihood that an identification will be admitted in evidence).

- If a lineup is conducted *before the beginning of formal proceedings against the suspect*, the presence of defense counsel is NOT required and the suspect's attorney does not have to be notified (*Kirby v. Illinois*)
- If the attorney is present or is readily available, it is advisable to notify the attorney and allow him to attend (this will increase the likelihood that an identification will be admitted in evidence).

IDENTIFICATION OF SUSPECTS

> Composition and presentation

- > At least six (6) persons including the suspect
- > Must be similar in appearance with no handcuffs or prison garb.
- > Other participants must be volunteers

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IDENTIFICATION OF SUSPECTS

- > Maintain record of identities of participants
- > Line-up should be preserved by photograph and possibly video
- > Participants and suspect may be required to speak and make particular movements, if requested by investigators. If required of suspect, all participants do same.

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ADDITIONAL INSTRUCTOR NOTES

IDENTIFICATION OF SUSPECTS

Witnesses

- Give any verbal description prior to viewing line-up
- View line-up individually
- Asked no leading or suggestive questions... not pressured into making an ID

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IDENTIFICATION OF SUSPECTS

- A witness's identification of a suspect at a lineup is not admissible at trial unless the lineup procedures are reasonably designed to avoid an unreliable identification. Unreliable lineup identification may also require exclusion of subsequent in-court identification.
- If more than one witness, each should view lineup separately and should not communicate with any other witness until each has stated his conclusion.

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IDENTIFICATION OF SUSPECTS

- **Improving the Accuracy of Physical Descriptions**
- Most are not skilled observers, trained in the act of providing a speaking portrait of a suspect.
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IDENTIFICATION OF SUSPECTS

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ADDITIONAL INSTRUCTOR NOTES

IDENTIFICATION OF SUSPECTS

- Graphic representations
- police artist
- Identi –kit
- Photo-kit

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IDENTIFICATION OF SUSPECTS

- **SUMMARY**
- **Instructional Goals**
- This course is designed to give the student an overview of the knowledge and skills required to effectively conduct crime scene management and patrol related investigations
- **Instructional Objectives**
- Identify methods of arriving at an identification of a suspect.

Instructor Notes:

- Conclude with summarizing the course Goal and Objective.
- Solicit Questions
- Conclude

IDENTIFICATION OF SUSPECTS

- **DID WE MEET OUR GOAL AND OBJECTIVES?**
- **QUESTIONS??**

STUDENT STUDY GUIDE

IDENTIFICATION OF SUSPECTS

Instructional Objectives

1. Identify methods of arriving at an identification of a suspect.

II. Introduction

- E. Identification includes any procedure by which a witness _____ someone as the person whom the witness observed committing a crime or as a person otherwise wanted (and/or involved) in connection with a crime. The most common form of identification is visual, by an eye witness. There may also be identification by _____ or, in special circumstances, by smell or touch.
- F. The basic requirement of any identification procedure is that the witness relies entirely on his or her own _____ and not be led to identify a particular person by deliberate or accidental police conduct. A witness should not be pressured to make an identification of which he or she is _____. (US v. Wade)
- G. If it is unavoidable that a suspect be singled out for a witness, the officer should emphasize that the identification is _____ and the witness should not verify the suspicion of the police unless it accords with the witness's own independent _____. (Stovall v. Denno)
- H. Before making an identification by a lineup or otherwise, a witness should be asked to _____ the person whom the witness saw. The description should be _____ and preserved.

III. Eyewitness identification problems

- F. Frequently prove to be _____ and erroneous identifications often result.
- G. Misidentifications normally result from a combination of factors:

1. Individual's _____ tend to be inaccurate, especially when they are under stress.
 2. Individuals are extremely susceptible to _____. Probably accounts for more miscarriages of justice than any other single factor.
 3. Suggestive words or conduct used by officers obtaining the _____ information.
- H. Evidence regarding identifications will be _____ by the courts if the identification procedure was excessively suggestive.
- I. Courts usually put more weight on physical evidence versus _____ evidence. Physical evidence does not lie.
- IV. People from whom information is sought.

H. Types

1. _____
2. _____
3. _____
4. _____

5. Miscellaneous

- a) _____
- b) _____ personnel
- c) _____ personnel
- d) Any other that may be _____.

I. Basic Qualifications of a Good witness

1. Was _____ at the event
2. Was _____ of the event
3. Was _____ during event

J. Witness' traits which may affect information received.

1. Normal and _____
2. Extremely helpful, to point of _____
3. _____ type – hard to pin down
4. Closed _____
5. _____ – disinterested – suspicious
6. Vain or self-centered person – too _____ to be bothered.
7. _____
8. _____
9. _____

K. Conditions which affect accuracy, truthfulness and completeness of information.

1. _____ incapacity
2. _____ incapacity
3. _____ condition

4. Education _____

5. _____ maturity

6. Moral _____

7. Lack of _____

8. _____ usage

L. Forces which may encourage cooperation

1. Desire for personal _____

2. Desire to _____ others

3. Fear of _____ if they do not cooperate

4. Desire for _____ treatment

5. Chance to release _____ feelings

6. Strong feeling of _____ or religious need

7. _____

8. _____

M. Forces which may affect information received.

1. May be _____

2. Although not involved, may have a quiet feeling because of the nature of investigation or past _____ actions or behavior.

3. Fear of _____

4. _____ of police
5. Fear of _____ from subjects
6. Desire to _____
7. Fear of _____
8. _____ of situation
9. _____
10. Faulty _____
11. _____

N. Age and Sex can affect information received

7. Children

- a) not little _____ – interview at their level
- b) Often lack a comprehension of size, _____ and distance
- c) Usually very _____
- d) Highly imaginative and highly _____
- e) Often recall more minute facts and _____ than do adults who allow emotions to frequently blind them.

8. Young persons

- a) Usually living too intensely to notice other persons except people of own _____ group.
- b) Inclined to be truthful but information they have is not strengthened by any great powers of _____.

9. Middle- aged persons

- a) Keenly _____ of fellow beings
- b) Has _____ judgment
- c) Usually senses are not _____

10. Older Persons

- a) Physical _____ can affect powers of observation
- b) Tendency to regress into self-preoccupation, may affect value as _____
- c) Physically alert and intelligent older person can add _____ of judgment to a leisure of observation.

11. Males

- a) ruled more by common sense, _____ and reason
- b) more _____ to confess to a crime

12. Females

- a) ruled more by _____ and emotions
- b) _____ likely to confess to commission of a crime
- c) more apt to discuss _____ matters with a man than with another woman.

V. Obtaining Physical Descriptions

- D. An accurate description from an _____ is a prime factor in successful case clearance.

-
- E. The description should be obtained as rapidly as possible while still preserving its _____ and detail.
- F. Description should help eliminate individuals.
1. It is normally unrealistic to expect a sufficiently detailed description of an offender to permit instant and _____ identification of the person.
 2. The investigator should attempt to acquire from the witness a set of physical _____, which can be used to eliminate most persons as suspects.
 3. As suspects are eliminated, a witness can then confirm or deny a particular person's involvement through the use of _____ or line-ups.
- D. Elements of physical descriptions
14. _____ of offenders and physical description for each offender.
 15. Race
 - a) Racial identification is normally not difficult unless the culprit's head is hooded or the crime scene is _____.
 - b) This description is generally best confined to White, Black, Latin, Oriental or Indian to avoid _____.
 - c) Variation in skin tone can be noted under
" _____ "
 16. Sex
 - a) Traditionally, most offenders are _____.
 - b) Physical _____ is generally the key to determining sex except in cases of sexual assault (where the sex of the offender is automatically determinable).
-

17. Age

- a) The witness should estimate the age of the culprit within a _____ - year range (e.g. 25-30).
- b) Estimates of age may present difficulties when the witness and the offender are of different _____ groups, the accuracy of identification diminishes under such circumstances. Also, ages can be deceiving.

18. Height

- a) Since most persons are not skilled judges of height, this factor is best taken in a _____, depending on sex.

19. Weight

- a) Weight estimates present the same _____ as height determination.
- b) Generally, height and weight are proportional (i.e., a tall fat man will weigh more than a short fat man). Here again, estimating weight within a _____ (e.g., 160-170 lbs.) is more likely to avoid confusion.

20. Build

- a) Noting whether a person's build is slender, medium, heavy, or obese serves as a _____ on the witness' evaluation of height and weight.
- b) A careful investigator will have the witness resolve any _____ in this area.

21. Hair

- a) Hair color, length, style, and hairline are helpful description, which a witness normally can _____.

22. Eyes

- a) eye color is less readily recalled, due to lack of conscious _____ by the witness.
- b) “_____” or “_____” may be the best descriptions possible in most circumstances.

23. Complexion

- a) Skin tones – i.e., tanned, fair, ruddy, dark or freckled – helps to _____ the set of suspects.
- b) The witness should also be encouraged to recall pox marks, _____ or other skin disorders.

24. Scars and marks

- a) The shape and _____ of scars, marks and tattoos are particularly helpful in identifying a suspect, since such abnormalities are generally permanent and _____.

25. Facial hair

- a) The presence of a _____ or beard, and their color and shape, should be recorded.

26. Clothing

- a) A description of clothing worn by the suspect is normally useful only for a _____ time after the event, since as time passes the probability of the culprit wearing the same clothing decreases.
- b) Unfortunately, this is the feature which witnesses tend to recall most _____.
- c) Clothing description, including color and style, should proceed systematically from _____ to _____.

27. Miscellaneous features

a) Other physical traits should be recorded such as:

- (1) _____
- (2) _____
- (3) voice _____
- (4) missing _____ or
- (5) _____

b) Each physical factor helps to narrow the set of possible suspects.

J. Description form

- 1. To make certain that all _____ physical characteristics are inquired about and recorded, it is helpful to use an interview form during the questioning of witnesses.
- 2. An example of such interview guides can be obtained from either texts, or a _____ prevention resource.

VI. Identification Procedures

F. Stand-ups or show ups

- 1. _____ use wherever possible
- 2. _____ circumstances may justify use in field
 - a) Shortly after _____ of crime
 - b) Reasonable _____ to crime scene

G. On Scene Identification

1. An officer who is responding to the scene of a crime and has a basis for an investigative detention may detain a person briefly, in order to allow an _____ to see the detainee for identification.
2. The witness should be brought to the place where the person is detained. If the witness is _____ or it is impractical to bring the witness to the place of detention, the detainee may be brought to the witness at the scene of the crime.
3. A _____ ordinarily should not be brought to a place other than the scene of the crime (e.g. a hospital or the witness's home) unless the detainee is placed under arrest. Movement of the detainee is permitted if delay might mean that the witness's identification would be _____: for example, if the witness is seriously injured and may die.)

H. Pre-Arrest Identification

1. If a witness believes that he or she can identify the person who committed a crime but the police do not have probable cause for an arrest, an officer may arrange for the witness to see a suspect in a _____ place.
2. The witness should be told to observe _____ in the area and make identification if he or she can. The officer should not point out the suspect to the witness.
3. Before being taken to make identification, the witness should give a full _____ of the person whom the witness saw. The description should be recorded and preserved.

I. Review of photo files or photo arrays

1. In some cases it may be worthwhile for the witness to view identification photographs (mug shots) of known offenders in an effort to spot the culprit or to spot characteristics similar to those of the offender. The photographs shown to the witness should be selected on the basis of _____ description and method of operation.

2. Many investigative agencies maintain _____ on known sex offenders, check forgers, confidence men and other offenders.
3. Since crime often involves young persons, local high school _____ may also be good reference point for photographs of youthful offenders.
4. Photographic arrays should be constructed to avoid subsequent charges of _____ of undue suggestion by the investigator.

J. Photo Line-ups

1. Minimum number of photos..._____
2. Photos should be of persons of _____ appearance
3. Photos must give no indication of _____ with the criminal justice system
4. Photo's should be _____
5. Record time, date and location of showing as well as the witness(es)' _____ to each photo.
6. If line-up is to be shown to more than one person, show _____
7. Retain photos for court. Log into _____.
8. When used
 - a) Investigator does not wish to alert individual to the fact that he is a _____
 - b) Suspect s unable or extremely _____ to participate in a formal line-up.

9. The presence of the defendant's _____ is NOT required when a witness views a photo spread, whether or not formal proceedings have begun. (Simmons v. US)

K. Formal line-ups

1. A lineup (or show-up) is a planned procedure in which a witness views a number of people including the _____ and is asked whether he or she can identify one of them as the person he or she saw commit the crime.
3. A person who has been arrested and is lawfully in _____ may be required to participate in a lineup. (US v. Wade)
4. A person who is not in custody may be required to participate in a lineup by _____. (US v. Dionisio)
5. _____ should not be used to compel an unwilling person to participate in a line up.
6. May be forced by court order to alter _____ to coincide with appearance at crime.
7. Must be advised of right to counsel – may waive—must be _____ if requested.
8. Counsel
 - a) Must be advised of _____ and _____ of line-up
 - b) May be present and may direct suspect's _____ in line-up
 - c) Does not have to be present when witness(es) are interviewed afterward and if allowed to be present, they may not _____

-
- d) _____ in the interview of witnesses.
 - e) If a lineup is conducted _____ *the beginning of formal proceedings against the suspect*, the presence of defense counsel is NOT required and the suspect's attorney does not have to be notified (Kirby v. Illinois)
 - f) If the attorney is present or is readily available, it is advisable to notify the attorney and allow him to attend (this will increase the likelihood that an identification will be _____ in evidence).

9. Composition and presentation

- a) At least _____ persons including the suspect
- b) Must be similar in appearance with no handcuffs or _____ garb.
- c) Other participants must be _____
- d) Maintain record of _____ of participants
- e) Line-up should be preserved by _____ and possibly video
- f) Participants and suspect may be required to _____ and make particular movements, if requested by investigators. If required of suspect, all participants do same.

10. Witnesses

- a) Give any _____ description prior to viewing line-up
- b) View line-up _____
- c) Asked no _____ or suggestive questions... not pressured into making an ID

- d) A witness's identification of a suspect at a lineup is not admissible at trial unless the lineup procedures are reasonably designed to avoid _____ identification. Unreliable lineup identification may also require exclusion of subsequent in-court identification.
- e) If more than one witness, each should view lineup _____ and should not _____ with any other witness until each has stated his conclusion.

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- D. Most are not _____ observers, trained in the act of providing a speaking portrait of a suspect.
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4. Graphic representations

- a) police _____
- b) _____-kit
- c) _____-kit

COURSE AUDIT

PRIMARY INSTRUCTOR:

SECONDARY INSTRUCTOR:

SUPPORT STAFF (i.e.: Scenario Managers, Role Players, etc):

DATE(S)/ TIME(S) OF INSTRUCTION:

LOCATION OF INSTRUCTION:

RECOMMENDED CURRICULUM CHANGES: Identify inaccurate information, outdated information, new information to be added to update material, etc. (Use additional pages if necessary)

COURSE AUDIT (Continued)

ADDITIONAL INSTRUCTOR COMMENTS: (If any portion of the course content was not presented, indicate the specific content here)

If course content other than the NMDPS TRD approved Basic or PST academy curriculum is taught, the alternative curriculum must be submitted to the Law Enforcement Academy Deputy Director's office and approved prior to delivery of the alternative instructional materials.

☐ Alternative curriculum was taught.

Accreditation number of alternative curriculum:

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SIGNATURE

Primary Instructor

Reviewed by Program Coordinator

Reviewed by Bureau Chief

Reviewed by LEA Director or Designee

DATE
